

S E C R E T

Approved For Release 2003/10/01 : CIA-RDP79M00467A000100110012-6

Executive Registry
76-8662/5

CONF #3
12 aug 76

31 August 1976

25X1A

NOTE FOR: [REDACTED]

SUBJECT: Memorandum From Brent Scowcroft entitled
Presidential Finding [REDACTED]
Operation

OGC Has Reviewed

25X1C

NSC
REVIEW
COMPLETE

1. Based on General Scowcroft's memorandum we can now assert that the Presidential "Worldwide" finding of 10 January 1975 encompassed each then-current covert action on which the President was briefed. Whether or not this was clear prior to General Scowcroft's memorandum is no longer the point. The question now is how to document Presidential findings which in the future may not be reduced to writing. The notification we receive from General Scowcroft on each new operation would be sufficient.

2. A different question will be raised however if in the staffing of a future covert action we are told by General Scowcroft or any one else in the White House that such operations are covered by the "Worldwide" finding. My personal opinion is that if such happens we would not be in compliance with the statute because of the failure to obtain a Presidential finding that that operation is important to the national security. I suppose we will have to wait and see what happens.

3. Per Ben Evans' note, [REDACTED] will discuss this with you. I have asked OGC to let me know so that I can sit in.

25X1A

if you wish.

[REDACTED]

A/DDCI

Distribution:

DDCI

OGC.

[REDACTED]

ER

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cc: OGC

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CONF #3

E2 IMPDET

S E C R E T CL BY 663484

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76-8662/41

THE WHITE HOUSE
WASHINGTONSECRET

August 30, 1976

MEMORANDUM FOR

THE DIRECTOR OF CENTRAL INTELLIGENCE

25X1C

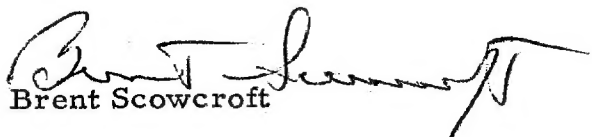
SUBJECT: Presidential Finding [REDACTED]

25X1

NSC

Reference your memorandum of 13 August, it is clear from the OAG records that [REDACTED] operation was intended to be covered under the "Worldwide Clause" in the omnibus Presidential Finding of 10 January 1975 that states "employ foreign personalities in support of current United States policies." The President was briefed on all covert operations prior to making his 10 January 1975 Finding and clearly intended for it to cover all ongoing operations at that time. My understanding is that since the written findings are only done as a matter of good practice, and not required by the law, the important legal point is the President's intention and not the specific wording of the written finding. Moreover, Director Colby was delegated the responsibility for reporting these Findings in detail to the appropriate committees of Congress and later reported to the President that he had done so.

I realize that the whole question of written Presidential Findings is a difficult area subject to conflicting legal interpretations of the precise requirements, but this should not hold up implementation of decision to terminate this operation.


Brent Scowcroft

cc: The Attorney General

SECRET

Classified by Brent Scowcroft
XGDS of EO 11652 by authority
of Brent Scowcroft; Exemption
Category (Section 5(B) (2).

TRANSMITTAL SLIP		DA 3. August 1976
TO: Mr. Bush		
ROOM NO.	BUILDING	
REMARKS:		
<p>Per the attached, no Presidential finding will be forthcoming other than these assurances. [redacted] is going to discuss with [redacted] and advise.</p> <p style="text-align: right;">31 AUG 1976</p>		
FROM: BCEvans		
ROOM NO.	BUILDING	EXTENSION
[redacted]	Hqs.	[redacted]

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

25X1A
25X1A

ILLEGIB

25X1

EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	D/DCI/IC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/NI				
9	GC				
10	LC				
11	IG				
12	Compt				
13	D/Pers				
14	D/S				
15	DTR				
16	Asst/DCI				
17	AO/DCI				
18	C/IPS				
19	DCI/SS				
20					
21					
22					

SUSPENSE

Date

Remarks:

Executive Secretary

30 August 1976

Date

3637 (7-76)

25X1A